



# NEWS RELEASE

## Administrative Office of the U.S. Courts

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### **Federal Judiciary Asks for Funding to Maintain Current Service Levels**

Tying the Judiciary's ability to provide the level of service citizens deserve to the resources provided by Congress, representatives of the Judicial Conference today asked a House appropriations subcommittee to provide an operating budget of \$4.8 billion for the Judiciary for fiscal year 2002.

"An independent Judiciary that all of our citizens trust and respect is a fundamental tenet of our nation," Judge John G. Heyburn II (W. D. Ky), chair of the Judicial Conference Budget Committee, told the House Appropriations Subcommittee on Commerce, Justice, State, the Judiciary and Related Agencies. "In order to foster that independence, citizens must believe that their disputes will be resolved in a fair and expeditious manner. To do so requires a commitment by the Congress to provide the courts adequate resources. Our request before you today provides a blueprint of those resource requirements."

Judge Heyburn was accompanied by Chief Judge Lawrence L. Piersol of the District Court for the District of South Dakota, a member of the Budget Committee; Leonidas Ralph Mecham, Director of the Administrative Office of the United States Courts; and Judge Fern Smith, Director of the Federal Judicial Center.

The \$610 million increase in appropriations over FY 2001 is necessary to maintain the current level of staff and operations and to allow the courts to handle growing workload and other critical needs. Judge Heyburn described the resource needs of the federal Judiciary in the following areas: an appropriate level of compensation for private panel attorneys; a level of judicial officers and support staff commensurate with the workload placed upon them; an adequate level of security in the courthouses; and adequate compensation for our judicial officers.

### **Defender Services**

The Judiciary seeks a \$113 rate of pay for private panel attorneys in fiscal year 2002. "One of the biggest impediments to maintaining a fair system of justice is the low rate of pay that private panel attorneys receive," Judge Heyburn told the subcommittee. "In some districts, judges are unable to find qualified attorneys to take many CJA (Criminal Justice Act) appointments because the current rate often does not

(MORE)

cover overhead costs.” Despite the Judiciary’s authority to raise the rate to keep pace with inflation, Congress has only funded an hourly rate of \$75 in-court and \$55 out-of-court in most locations, rates that are well below the amount needed just to cover overhead costs. An increase in resources for Defender Services is also required to provide counsel for 5,200 additional representations projected for fiscal year 2002.

### **Court Support Staff**

The Judiciary has asked for an increase of 212 new court support positions, most of which will be for the probation and pretrial services offices, a program where the federal Judiciary currently supervises almost 129,000 offenders—4,000 more than the number of inmates in federal prisons. The daily cost of supervision in the community in FY 1999 was \$7.74 compared to \$59.41 for the Bureau of Prisons. Adequate staffing directly affects how closely officers can monitor the activities of dangerous convicted felons released from prison who pose a significant safety risk to the public. The fiscal year request includes a \$5.2 million increase to support necessary mental health and substance abuse treatment for offenders.

### **Court Security**

Congress was unable to find sufficient resources to meet court security needs in fiscal year 2001. The fiscal year 2002 request rectifies these deficiencies, particularly in the area of replacing inadequate and out-dated equipment. In addition it funds court security officers and equipment for new buildings coming online in fiscal year 2002. And while not a part of the Judiciary’s budget request, Judge Heyburn urged Congress to fund the U.S. Marshals Service, which is experiencing severe personnel resource deficiencies nationwide, including along the southwest border. The U.S.M.S is responsible for the security of courthouses, judges, court proceedings, and the public who enter federal courthouses, as well as the transportation and security of prisoners and fugitive apprehensions. Judge Heyburn observed that in the southwest border courts there are not always enough deputy U.S. Marshals to move prisoners safely from their holding cells or to monitor them in the courtrooms.

### **Judicial Compensation**

The pay of judges, Members of Congress, and high level executive branch officials has not kept pace with the change in the cost of living. Over the past eight years, their purchasing power has declined by over 13 percent, which amounts to more than \$16,000 per year. The corrosive effects of this salary erosion were documented in a report published by the American and Federal Bar Associations. The Judicial Conference strongly encourages Congress to authorize an Employment Cost Index adjustment for federal judges, Members of Congress, and top executive branch officials in 2002; enact legislation giving

(MORE)

judges and other high level federal officials a “catch-up” pay adjustment of 9.6 percent to recapture previous lost ECI adjustments; and authorize a Presidential commission to consider and make recommendations to the President on appropriate salaries for high level officials in all three branches of government.

### **New Judgeships**

The Judicial Conference is requesting the creation of 54 Article III judgeships. “There has not been a major judgeship bill since 1990,” Judge Heyburn told the subcommittee. “Yet increases in federal jurisdiction and law enforcement resources over that period have contributed to a more than 25 percent increase in workload for the Judiciary.” In some districts, particularly along the southwest border where the workload has more than doubled, the number of judgeships remains constant despite a few additional judgeships in the last two appropriations bills. “Justice in these locations has been compromised,” said Judge Heyburn, “because the judges have not been there to meet the workload demands.”

He also noted the Judiciary’s on-going efforts to work more efficiently and effectively while maintaining the high quality of justice. “We in the Judicial Branch must also make a commitment,” said Judge Heyburn, “to do everything in our power to utilize the resources provided by Congress effectively and efficiently.”

The Judiciary’s cost-containment initiatives include a new Case Management/Electronic Case Files System for more efficient docketing, scheduling and retrieval of documents; the use of automated jury management software that reduces redundant data entry and speeds juror payments; a Bankruptcy Noticing System that has added internet connections, which saves postage costs and speeds transactions; a new national database to hire law clerks; the use of videoconferencing for pretrial, civil and certain criminal proceedings to save travel time and reduce security risks; and access to distance learning programs for employees over the Federal Judicial Television Network.